

117TH CONGRESS  
2D SESSION

# H. R. 7323

To amend the Workforce Innovation Opportunity Act to codify the Department of Labor's Reentry Employment Opportunities grants, authorizing a competitive grant program that aims to assist justice-involved adults and youth returning from incarceration with achieving academic success, employment, reducing the involvement of youth in crime and violence, and avoiding recidivism.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2022

Mr. ESPAILLAT introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Workforce Innovation Opportunity Act to codify the Department of Labor's Reentry Employment Opportunities grants, authorizing a competitive grant program that aims to assist justice-involved adults and youth returning from incarceration with achieving academic success, employment, reducing the involvement of youth in crime and violence, and avoiding recidivism.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Expanding Reentry  
3 Employment Assistance Act”.

**4 SEC. 2. REENTRY EMPLOYMENT OPPORTUNITIES.**

5 Subtitle D of title I (29 U.S.C. 3221 et seq.), as  
6 amended by this Act, is further amended by inserting after  
7 section 172, as added by the preceding section, the fol-  
8 lowing:

**9 “SEC. 173. REENTRY EMPLOYMENT OPPORTUNITIES.**

10 “(a) PURPOSES.—The purposes of this section are—

11 “(1) to improve the employment, earnings, and  
12 skill attainment, and reduce recidivism, of adults  
13 and youth who have been involved with the justice  
14 system;

15 “(2) to prompt innovation and improvement in  
16 the reentry of justice-involved individuals into the  
17 workforce so that successful initiatives can be estab-  
18 lished or continued and replicated; and

19 “(3) to further develop the evidence on how to  
20 improve employment, earnings, and skill attainment,  
21 and reduce recidivism of justice-involved individuals,  
22 through rigorous evaluations of specific services pro-  
23 vided, including how they affect different popu-  
24 lations and how they are best combined and  
25 sequenced.

1       “(b) REENTRY EMPLOYMENT COMPETITIVE GRANTS,  
2 CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHOR-  
3 IZED.—

4           “(1) IN GENERAL.—From the amounts appro-  
5 priated under subsection (h)(1) and not reserved  
6 under subsection (h)(2), the Secretary—

7              “(A) shall, on a competitive basis, make  
8 grants to, or enter into contracts or cooperative  
9 agreements with, eligible entities to implement  
10 reentry projects that serve eligible adults or eli-  
11 gible youth; and

12              “(B) may use not more than 30 percent of  
13 such amounts to award funds under subparagraph  
14 (A) to eligible entities that are national  
15 or regional intermediaries to—

16                  “(i) implement the reentry projects  
17 described in subparagraph (A); or

18                  “(ii) provide such funds to other eligi-  
19 ble entities—

20                   “(I) to implement such reentry  
21 projects; and

22                   “(II) to monitor and support  
23 such entities.

24           “(2) AWARD PERIODS.—The Secretary shall  
25 award funds under this section for an initial period

1       of not more than 4 years, and may renew such  
2       awards for additional 4-year periods.

3           “(3) PRIORITY.—In awarding funds under this  
4       section, the Secretary shall give priority to eligible  
5       entities whose applications submitted under sub-  
6       section (c) demonstrate a commitment to use such  
7       funds to implement reentry projects—

8              “(A) that will serve high-crime or high-  
9       poverty areas;

10             “(B) that will enroll in such reentry  
11       projects eligible youth or eligible adults—

12               “(i) prior to the release of such indi-  
13       viduals from incarceration in a correctional  
14       institution; or

15               “(ii) not later than 90 days after such  
16       release;

17              “(C) whose strategy and design are evi-  
18       dence-based;

19              “(D) that establish partnerships with—

20               “(i) businesses; or

21               “(ii) institutions of higher education  
22       to provide project participants with pro-  
23       grams of study leading to recognized post-  
24       secondary credentials in in-demand occupa-  
25       tions;

1               “(E) that provide training services that are  
2               designed to meet the basic requirements of an  
3               employer (including a group of employers) and  
4               are conducted with a commitment by the em-  
5               ployer to employ individuals upon successful  
6               completion of the training; or

7               “(F) that demonstrate a track record and  
8               ongoing commitment of developing, imple-  
9               menting, and refining reentry programs that in-  
10               clude employment, education, training, and sup-  
11               port services for adults and youth with current  
12               or prior justice system involvement.

13               “(c) APPLICATION.—

14               “(1) FORM AND PROCEDURE.—To be qualified  
15               to receive funds under this section, an eligible entity  
16               shall submit an application at such time, and in  
17               such manner, as determined by the Secretary, and  
18               containing the information described in paragraph  
19               (2).

20               “(2) CONTENTS.—An application submitted by  
21               an eligible entity under paragraph (1) shall contain  
22               the following:

23               “(A) A description of the eligible entity, in-  
24               cluding the experience of the eligible entity in

1 providing employment and training services for  
2 justice-involved individuals.

3 “(B) A description of the needs that will  
4 be addressed by the reentry project supported  
5 by the funds received under this section, and  
6 the target participant population and the geo-  
7 graphic area to be served.

8 “(C) A description of the proposed employ-  
9 ment and training activities and supportive  
10 services, if applicable, to be provided under  
11 such reentry project, and how such activities  
12 and services will prepare participants for em-  
13 ployment in in-demand industry sectors and oc-  
14 cupations within the geographic area to be  
15 served by such reentry project.

16 “(D) The anticipated schedule for carrying  
17 out the activities proposed under the reentry  
18 project.

19 “(E) A description of—

20 “(i) the partnerships the eligible enti-  
21 ty will establish with agencies and entities  
22 within the criminal justice system, local  
23 boards and one-stops, community-based or-  
24 ganizations, and employers (including local  
25 businesses) to provide participants of the

1           reentry project with work-based learning,  
2           job placement, and recruitment (if applica-  
3           ble); and

4                 “(ii) how the eligible entity will co-  
5                 ordinate its activities with other services  
6                 and benefits available to justice-involved  
7                 individuals in the geographic area to be  
8                 served by the reentry project.

9                 “(F) A description of the manner in which  
10                individuals will be recruited and selected for  
11                participation for the reentry project.

12                 “(G) A detailed budget and a description  
13                of the system of fiscal controls, and auditing  
14                and accountability procedures, that will be used  
15                to ensure fiscal soundness for the reentry  
16                project.

17                 “(H) A description of the expected levels of  
18                performance to be achieved with respect to the  
19                performance measures described in subsection  
20                (e).

21                 “(I) A description of the evidence-based  
22                practices the eligible entity will use in adminis-  
23                tration of the reentry project.

24                 “(J) An assurance that the eligible entity  
25                will collect, disaggregate by race, ethnicity, gen-

1           der and other participant characteristics, and  
2           report to the Secretary the data required with  
3           respect to the reentry project carried out by the  
4           eligible entity for purposes of the evaluation  
5           under subsection (f).

6                 “(K) Any other information required by  
7                   the Secretary.

8                 “(d) USES OF FUNDS.—

9                 “(1) IN GENERAL.—An eligible entity that re-  
10              ceives funds under this section shall use such funds  
11              to implement a reentry project for eligible adults, eli-  
12              gible youth, or both that provides one or more of the  
13              following services:

14                 “(A) Supportive services.

15                 “(B) For participants who are eligible  
16              youth, one or more of the program elements  
17              listed in subparagraphs (A) through (N) of sec-  
18              tion 129(c)(2).

19                 “(C) One or more of the individualized ca-  
20              reer services listed in subclause (I) through  
21              (IX) of section 134(c)(2)(A)(xii).

22                 “(D) Follow-up services after placement in  
23              unsubsidized employment as described in sec-  
24              tion 134(c)(2)(A)(xiii).

1               “(E) One or more of the training services  
2               listed in clauses (i) through (x)(i) in section  
3               134(c)(3)(D), including subsidized employment  
4               opportunities through transitional jobs.

5               “(F) Apprenticeship programs.

6               “(G) Education in digital literacy skills.

7               “(H) Mentoring.

8               “(I) Provision of or referral to evidence-  
9               based mental health treatment by licensed prac-  
10               titioners.

11               “(J) Assistance in obtaining employment  
12               as a result of the establishment and develop-  
13               ment by the eligible entity of relationships and  
14               networks with large and small employers.

15               “(K) Assistance with driver’s license rein-  
16               statement and fees for driver’s licenses and  
17               other necessary documents for employment.

18               “(L) Provision of or referral to substance  
19               abuse treatment services, provided that funds  
20               awarded under this section are only used to  
21               provide such services to participants who are  
22               unable to obtain such services through other  
23               programs providing such services.

24               “(M) Assistance in obtaining employment  
25               as a result of the coordination by the eligible

1           entity with employers to develop customized  
2           training programs and on-the-job training.

3           “(2) ADMINISTRATIVE COST LIMIT.—An eligible  
4           entity may not use more than 10 percent of the  
5           funds received under this section for administrative  
6           costs, including for costs related to collecting infor-  
7           mation, analysis, and coordination for purposes of  
8           subsection (e) or (f).

9           “(e) LEVELS OF PERFORMANCE.—

10          “(1) ESTABLISHMENT OF LEVELS.—

11           “(A) IN GENERAL.—The Secretary shall  
12           establish expected levels of performance for re-  
13           entry projects funded this section for—

14            “(i) each of the primary indicators of  
15            performance for adults and youth de-  
16            scribed in section 116(b); and

17            “(ii) the additional performance indi-  
18            cators described in paragraph (2).

19           “(B) UPDATES.—The levels established  
20           under subparagraph (A) shall be updated for  
21           each 4-year award period.

22          “(2) ADDITIONAL INDICATORS OF PERFORM-  
23          ANCE.—In addition to the indicators described in  
24          paragraph (1)(A)(i), the Secretary—

1               “(A) shall establish an indicator of per-  
2               formance for projects funded under this section  
3               with respect participant recidivism; and

4               “(B) may establish other performance indi-  
5               cators for such projects as the Secretary deter-  
6               mines appropriate.

7               “(3) AGREEMENT ON PERFORMANCE LEVELS.—  
8               In establishing and updating performance levels  
9               under paragraph (1), the Secretary shall reach  
10               agreement on such levels with the eligible entities re-  
11               ceiving awards under this section that will be subject  
12               to such levels, based on factors including—

13               “(A) the expected performance levels of  
14               each such eligible entity described in the appli-  
15               cation submitted under subsection (c)(2)(H);

16               “(B) local economic conditions of the geo-  
17               graphic area to be served by each such eligible  
18               entity, including differences in unemployment  
19               rates and job losses or gains in particular in-  
20               dustries; and

21               “(C) the characteristics of the participants  
22               of the projects when the participants enter the  
23               project involved, including—

24               “(i) criminal records and indicators of  
25               poor work history;

1                 “(ii) lack of work experience;  
2                 “(iii) lack of educational or occupa-  
3                 tional skills attainment;  
4                 “(iv) low levels of literacy or English  
5                 proficiency;  
6                 “(v) disability status;  
7                 “(vi) homelessness; and  
8                 “(vii) receipt of public assistance.

9                 “(4) FAILURE TO MEET PERFORMANCE LEV-  
10         ELS.—In the case of an eligible entity that fails to  
11         meet the performance levels established under para-  
12         graph (1) for the reentry project involved for any  
13         award year, the Secretary shall provide technical as-  
14         sistance to the eligible entity, including the develop-  
15         ment of a performance improvement plan.

16         “(f) EVALUATION OF REENTRY PROJECTS.—

17                 “(1) IN GENERAL.—Not later than 5 years  
18         after the first award of funds under this section is  
19         made, the Secretary (acting through the Chief Eval-  
20         uation Officer) shall meet the following require-  
21         ments:

22                 “(A) DESIGN AND CONDUCT OF EVALUA-  
23         TION.—Design and conduct an evaluation to  
24         evaluate the effectiveness of the reentry projects  
25         funded under this section, which meets the re-

1        requirements of paragraph (2), and includes an  
2        evaluation of each of the following:

3                 “(i) The effectiveness of such projects  
4        in assisting individuals with finding em-  
5        ployment and maintaining employment at  
6        the second quarter and fourth quarter  
7        after unsubsidized employment is obtained.

8                 “(ii) The effectiveness of such projects  
9        in assisting individuals with earning recog-  
10      nized postsecondary credentials.

11                 “(iii) The effectiveness of such  
12      projects in relation to their cost, including  
13      the extent to which the projects improve  
14      reentry outcomes, including in wages  
15      earned, benefits provided by employers, ca-  
16      reer advancement, measurable skills gains,  
17      credentials earned, housing, health, and re-  
18      cidivism of participants in comparison to  
19      comparably situated individuals who did  
20      not participate in such projects.

21                 “(iv) The effectiveness of specific  
22      services and interventions provided and of  
23      the overall project design.

24                 “(v) If applicable, the extent to which  
25      such projects meet the needs of various de-

1           mographic groups, including people of dif-  
2           ferent geographic locations, ages, races,  
3           national origins, sex, and criminal records,  
4           and individuals with disabilities.

5           “(vi) If applicable, the appropriate se-  
6           quencing, combination, or concurrent  
7           structure, of services for each subpopula-  
8           tion of individuals who are participants of  
9           such projects, such as the order, combina-  
10          tion, or concurrent structure and services  
11          in which transitional jobs and occupational  
12          skills training are provided, to ensure that  
13          such participants are prepared to fully  
14          benefit from employment and training  
15          services provided under the project.

16          “(vii) Limitations or barriers to edu-  
17          cation and employment as a result of occu-  
18          pational or educational licensing restric-  
19          tions, access to financial aid, and access to  
20          housing.

21          “(viii) The quality and effectiveness of  
22          technical assistance provided by the Sec-  
23          retary for implementing such projects.

1                     “(ix) Other elements that the Chief  
2                     Evaluation Officer may determine to be  
3                     appropriate.

4                     “(B) DATA ACCESSIBILITY.—Make avail-  
5                     able, on the publicly accessible website of the  
6                     Department of Labor, data collected during the  
7                     course of evaluation under this subsection, in  
8                     an aggregated format that does not provide per-  
9                     sonally identifiable information.

10                   “(2) DESIGN REQUIREMENTS.—An evaluation  
11                     under this subsection—

12                   “(A) shall—

13                     “(i) be designed by the Secretary (act-  
14                     ing through the Chief Evaluation Officer)  
15                     in conjunction with the eligible entities car-  
16                     rying out the reentry projects being evalu-  
17                     ated;

18                     “(ii) include analysis of participant  
19                     feedback and outcome and process meas-  
20                     ures; and

21                     “(iii) use designs that employ the  
22                     most rigorous analytical and statistical  
23                     methods that are reasonably feasible, such  
24                     as the use of control groups; and

25                     “(B) may not—

1                 “(i) collect personally identifiable in-  
2                 formation, except to the extent such infor-  
3                 mation is necessary to conduct the evalua-  
4                 tion; or

5                 “(ii) reveal or share personally identi-  
6                 fiable information.

7                 “(3) PUBLICATION AND REPORTING OF EVAL-  
8                 UATION FINDINGS.—The Secretary (acting through  
9                 the Chief Evaluation Officer) shall—

10                 “(A) in accordance with the timeline deter-  
11                 mined to be appropriate by the Chief Evalua-  
12                 tion Officer, publish an interim report on such  
13                 evaluation;

14                 “(B) not later than 90 days after the date  
15                 on which any evaluation is completed under this  
16                 subsection, publish and make publicly available  
17                 such evaluation; and

18                 “(C) not later than 60 days after the com-  
19                 pletion date described in subparagraph (B),  
20                 submit to the Committee on Education and  
21                 Labor of the House of Representatives and the  
22                 Committee on Health, Education, Labor, and  
23                 Pensions of the Senate a report on such evalua-  
24                 tion.

25                 “(g) ANNUAL REPORT.—

1           “(1) CONTENTS.—Subject to paragraph (2),  
2       the Secretary shall post, using transparent, linked,  
3       open, and interoperable data formats, on its publicly  
4       accessible website an annual report on—

5           “(A) the number of individuals who par-  
6       ticipated in projects assisted under this section  
7       for the preceding year;

8           “(B) the percentage of such individuals  
9       who successfully completed the requirements of  
10      such projects; and

11          “(C) the performance of eligible entities on  
12      such projects as measured by the performance  
13      indicators set forth in subsection (e).

14          “(2) DISAGGREGATION.—The information pro-  
15      vided under subparagraphs (A) through (C) of para-  
16      graph (1) with respect to a year shall be  
17      disaggregated by each project assisted under this  
18      section for such year.

19          “(h) AUTHORIZATION OF APPROPRIATIONS; RES-  
20      ERVATIONS.—

21          “(1) AUTHORIZATION OF APPROPRIATIONS.—  
22      There are authorized to be appropriated to carry out  
23      this section—

24           “(A) \$250,000,000 for fiscal year 2023;

25           “(B) \$300,000,000 for fiscal year 2024;

1               “(C) \$350,000,000 for fiscal year 2025;  
2               “(D) \$400,000,000 for fiscal year 2026;  
3               “(E) \$450,000,000 for fiscal year 2027;

4               and

5               “(F) \$500,000,000 for fiscal year 2028.

6               “(2) RESERVATION OF FUNDS.—Of the funds  
7               appropriated under paragraph (1) for a fiscal year,  
8               the Secretary—

9               “(A) may reserve not more than 5 percent  
10               for the administration of grants, contracts, and  
11               cooperative agreements awarded under this sec-  
12               tion, of which not more than 2 percent may be  
13               reserved for the provision of—

14               “(i) technical assistance to eligible en-  
15               tities that receive funds under this section;  
16               and

17               “(ii) outreach and technical assistance  
18               to eligible entities desiring to receive such  
19               funds, including assistance with application  
20               development and submission; and

21               “(B) shall reserve not less than 1 percent  
22               and not more than 2.5 percent for the evalua-  
23               tion activities under subsection (f) or to support  
24               eligible entities with any required data collec-

1           tion, analysis, and coordination related to such  
2           evaluation activities.

3         “(i) DEFINITIONS.—In this section:

4           “(1) CHIEF EVALUATION OFFICER.—The term  
5           ‘Chief Evaluation Officer’ means the head of the  
6           independent evaluation office located organization-  
7           ally in the Office of the Assistant Secretary for Pol-  
8           icy of the Department of Labor.

9           “(2) COMMUNITY SUPERVISION.—The term  
10          ‘community supervision’ means mandatory oversight  
11          (including probation and parole) of a formerly incar-  
12          cerated person—

13           “(A) who was convicted of a crime by a  
14          judge or parole board; and

15           “(B) who is living outside a secure facility.

16           “(3) CORRECTIONAL INSTITUTION.—The term  
17          ‘correctional institution’ has the meaning given the  
18          term in section 225(e).

19           “(4) ELIGIBLE ENTITY.—The term ‘eligible en-  
20          tity’ means—

21           “(A) a private nonprofit organization  
22          under section 501(c)(3) of the Internal Revenue  
23          Code of 1986, including a community-based or  
24          faith-based organization;

25           “(B) a local board;

1               “(C) a State or local government;  
2               “(D) an Indian or Native American entity  
3               eligible for grants under section 166;  
4               “(E) a labor organization or joint labor-  
5               management organization; or  
6               “(F) a consortium of the entities described  
7               in subparagraphs (A) through (E).

8               “(5) ELIGIBLE ADULT.—The term ‘eligible  
9               adult’ means a justice-involved individual who—

10               “(A) is age 25 or older; and  
11               “(B) in the case of an individual that was  
12               previously incarcerated, was released from in-  
13               carceration not more than 3 years prior to en-  
14               rollment in a project funded under this section.

15               “(6) ELIGIBLE YOUTH.—The term ‘eligible  
16               youth’ means a justice-involved individual who is not  
17               younger than age 14 or older than age 24.

18               “(7) HIGH-CRIME.—The term ‘high-crime’,  
19               when used with respect to a geographic area, means  
20               an area with crime rates that are higher than the  
21               rate for the overall city (for urban areas) or of non-  
22               metropolitan area in the State (for rural areas), as  
23               such terms are used by the Bureau of Labor Statis-  
24               ties.

1           “(8) HIGH-POVERTY.—The term ‘high-poverty’,  
2       when used with respect to a geographic area, means  
3       an area with a poverty rate of at least 25 percent  
4       as determined based on the most recently available  
5       data from the American Community Survey con-  
6       ducted by the Bureau of the Census.”.

